

111TH CONGRESS
1ST SESSION

H. R. 556

To establish a program of research, recovery, and other activities to provide
for the recovery of the southern sea otter.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 15, 2009

Mr. FARR (for himself, Mrs. CAPPS, Mr. HINCHEY, Mr. KENNEDY, Ms. LEE
of California, Mr. HONDA, and Ms. ESHOO) introduced the following bill;
which was referred to the Committee on Natural Resources

A BILL

To establish a program of research, recovery, and other
activities to provide for the recovery of the southern
sea otter.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Southern Sea Otter
5 Recovery and Research Act”.

6 **SEC. 2. SOUTHERN SEA OTTER RECOVERY AND RESEARCH**
7 **PROGRAM.**

8 (a) IN GENERAL.—The Secretary of the Interior, act-
9 ing through the United States Fish and Wildlife Service,

1 shall carry out a recovery and research program for south-
2 ern sea otter populations along the coast of California, in-
3 formed by the prioritized research recommendations of the
4 Final Revised Recovery Plan for the southern sea otter
5 (*Enhydra lutris nereis*) published by the United States
6 Fish and Wildlife Service and dated February 24, 2003,
7 the Research Plan for California Sea Otter Recovery
8 issued by the United States Fish and Wildlife Service
9 Southern Sea Otter Recovery Implementation Team and
10 dated March 2, 2007, and any other recovery or research
11 plan adopted by the United States Fish and Wildlife Serv-
12 ice after the date of enactment of this Act in accordance
13 with otherwise applicable law. The Recovery and Research
14 Program shall include the following:

15 (1) Monitoring, analysis, and assessment of
16 southern sea otter population demographics, health,
17 causes of mortality, and life history parameters, in-
18 cluding range-wide population surveys.

19 (2) Development and implementation of meas-
20 ures to reduce or eliminate potential factors limiting
21 southern sea otter populations that are related to
22 marine ecosystem health or human activities.

23 (b) SOUTHERN SEA OTTER RESEARCH AND RECOV-
24 ERY GRANTS.—

1 (1) GRANT AUTHORITY.—The Secretary shall
2 establish a peer-reviewed, merit-based process to
3 award competitive grants for research regarding
4 southern sea otters and for projects assisting the re-
5 covery of southern sea otter populations.

6 (2) RESEARCH GRANT SUBJECTS.—Research
7 funded with grants under this subsection shall be in
8 accordance with the research goals recommended by
9 the Committee under section 3, and may include the
10 following topics:

11 (A) Causes of sea otter mortality.

12 (B) Southern sea otter demographics and
13 natural history.

14 (C) Effects and sources of pollutants, nu-
15 trients, and toxicants on southern sea otters
16 and sequestration of contaminants.

17 (D) Effects and sources of infectious dis-
18 eases and parasites affecting southern sea ot-
19 ters.

20 (E) Limitations on the availability of food
21 resources for southern sea otters and the im-
22 pacts of food limitation on southern sea otter
23 carrying capacity.

1 (F) Interactions between southern sea ot-
2 ters and coastal fisheries and other human ac-
3 tivities in the marine environment.

4 (G) Assessment of the keystone ecological
5 role of sea otters in southern and central Cali-
6 fornia's coastal marine ecosystems, including
7 both the direct and indirect effects of sea otter
8 predation, especially as these effects influence
9 human welfare, resource utilization, and eco-
10 system services.

11 (H) Assessment of the adequacy of emer-
12 gency response and contingency plans.

13 (3) RECOVERY PROJECT SUBJECTS.—Recovery
14 projects funded with grants under this subsection
15 shall be conducted in accordance with recovery goals
16 recommended by the Southern Sea Otter Scientific
17 Advisory Committee established under section 3 and
18 approved by the Secretary, and may include projects
19 to—

20 (A) protect and recover southern sea ot-
21 ters;

22 (B) reduce, mitigate, or eliminate potential
23 factors limiting southern sea otter populations
24 that are related to human activities, including
25 projects to—

(i) reduce, mitigate, or eliminate factors contributing to mortality, adversely affecting health, or restricting distribution and abundance; and

(ii) reduce, mitigate, or eliminate factors that harm or reduce the quality of southern sea otter habitat or the health of coastal marine ecosystems; and

(C) implement emergency response and contingency plans.

(4) RECOMMENDATION OF GRANTS BY SOUTHERN SEA OTTER SCIENTIFIC ADVISORY COMMITTEE.—The Secretary—

(A) shall submit each grant proposal submitted under this subsection to the Southern Sea Otter Scientific Advisory Committee established under section 3; and

(B) may not make a grant under this section unless the grant proposal has been reviewed by the Committee.

(c) REPORT.—The Secretary shall—

(1) within 12 months after the date of enactment of this Act, report to Congress on—

(A) the status of southern sea otter populations;

1 (B) implementation of the Recovery and
2 Research Program and the grant program; and

3 (C) any relevant formal consultations con-
4 ducted under section 7 of the Endangered Spe-
5 cies Act of 1973 (16 U.S.C. 1536) with respect
6 to the southern sea otter; and

7 (2) within 24 months after the date of enact-
8 ment of this Act and every 5 years thereafter, and
9 in consultation with the Southern Sea Otter Sci-
10 entific Advisory Committee established under section
11 3, report to Congress and the public on—

12 (A) an evaluation of southern sea otter
13 health, causes of southern sea otter mortality,
14 and the interactions of southern sea otters with
15 California’s coastal marine ecosystems;

16 (B) an evaluation of actions taken to im-
17 prove southern sea otter health, reduce south-
18 ern sea otter mortality, and improve southern
19 sea otter habitat; and

20 (C) recommendation for actions, pursuant
21 to current law, to improve southern sea otter
22 health, reduce the occurrence of human-related
23 mortality, and improve the health of such coast-
24 al marine ecosystems.

1 **SEC. 3. SOUTHERN SEA OTTER SCIENTIFIC ADVISORY COM-**
2 **MITTEE.**

3 (a) ESTABLISHMENT.—The Secretary shall establish
4 and appoint the members of a Southern Sea Otter Sci-
5 entific Advisory Committee in accordance with this sec-
6 tion. The Federal Advisory Committee Act (5 App.
7 U.S.C.) shall not apply to the Committee.

8 (b) FUNCTIONS.—The Committee shall advise the
9 Secretary on—

10 (1) research goals and priorities for the Recov-
11 ery and Research Program;

12 (2) overall recovery actions necessary to imple-
13 ment the Recovery and Research Program;

14 (3) revisions to the Final Revised Recovery
15 Plan referred to in section 2(a) as new information
16 is obtained or unexpected conservation issues requir-
17 ing additional research arise;

18 (4) scientific merit and quality of southern sea
19 otter research proposals submitted for grants under
20 section 2(b) in response to a request by the Sec-
21 retary for proposals, based on the research and re-
22 covery goals and priorities recommended by the
23 Committee; and

24 (5) proposals that merit funding with such
25 grants.

1 (c) MEMBERSHIP.—The Secretary shall appoint as
2 members of the Committee—

3 (1) the Executive Director of the Marine Mam-
4 mal Commission (or his or her designee); and

5 (2) in consultation with the Marine Mammal
6 Commission, no more than 9 individuals with a doc-
7 torate, graduate degrees, or knowledge and experi-
8 ence in marine science; sea otter science; conserva-
9 tion and management; sea otter veterinary, pathol-
10 ogy, and husbandry practices; fishing practices; fish-
11 ery science; nearshore and intertidal ecology; or
12 other related disciplines or issue areas.

13 (d) TERMS.—

14 (1) IN GENERAL.—Except as provided in para-
15 graph (2), the term of a member of the Committee
16 shall be 3 years.

17 (2) INITIAL APPOINTMENTS.—Of the members
18 first appointed as members of the Committee—

19 (A) 3 shall be appointed to an initial term
20 of 1 year; and

21 (B) 3 shall be appointed to an initial term
22 of 2 years.

23 (e) CONFLICTS OF INTEREST.—A member of the
24 Committee who participated in the development of a pro-
25 posal may not participate in the review and recommenda-

tion, by the Committee under this section, of grants with respect to the proposal.

SEC. 4. DEFINITIONS.

In this Act:

(1) COMMITTEE.—The term “Committee” means the Southern Sea Otter Scientific Advisory Committee established under section 3.

(2) RECOVERY AND RESEARCH PROGRAM.—The term “Recovery and Research Program” means the recovery and research program under section 2(a).

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior, acting through the United States Fish and Wildlife Service.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to the Secretary to carry out this Act \$5,000,000 for each of fiscal years 2010 through 2015 of which—

(1) no less than 30 percent shall be for research grants under section 2(b)(2); and

(2) no less than 30 percent shall be for recovery projects under section 2(b)(3).

(b) ADMINISTRATIVE EXPENSES.—Of amounts available each fiscal year to carry out this Act, the Secretary

1 may expend not more than 7 percent to pay the adminis-
2 trative expenses necessary to carry out this Act.

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